

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JACK ORLANDO JOHNSON,) CV F 99-5982 WMW HC
Petitioner,) ORDER DIRECTING CLERK
v.) OF COURT TO CLOSE CASE
CAL A. TERHUNE,)
Respondent.)

Petitioner is a state prisoner who prosecuted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in this court. On May 24, 2002, the Magistrate Judge assigned to the case entered an order granting the petition, subject to the State's right to retry Petitioner. Respondent filed a notice of appeal and the Magistrate Judge granted Respondent's request for a stay pending resolution of the appeal. On January 30, 2004, the Court of Appeal for the Ninth Circuit reversed the judgment of this court, concluding that, “[b]ecause the state court decision was not an unreasonable application of clearly established

federal law, habeas relief is not permissible under § 2254(d)." This case is therefore concluded in its entirety. Accordingly, the Clerk of the Court is directed to CLOSE THIS CASE.

IT IS SO ORDERED.

Dated: March 13, 2006
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/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE